

MEMORANDUM ENDORSED

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April 27, 2023

VIA ECF

Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: *Zivkovic v. Valbella at the Park, LLC*,
No.: 22 CV 7344 (GHW)**

Dear Judge Woods,

We represent Plaintiff in the above-referenced matter. We write to respectfully request that the Court Order Defendant to comply with the Court's March 23, 2023 Order in this matter and to supplement and amend their discovery responses in accordance with that Order forthwith and no later than Wednesday May 3, 2023.

On or about November 30, 2022, Plaintiff served Defendants with a set of document requests and interrogatories. Defendant formally responded to the demands and interrogatories on or about December 29, 2022. In January 2023, Plaintiff alerted Defendant to various deficiencies in their responses and, upon the Parties informing the Court that they were unable to resolve those deficiencies, and the Court held a Local Rule 37.2 conference on March 21, 2023. At the conclusion of that conference, the Court Ordered Defendant to supplement and/or amend various portions of their discovery responses. *See* Dkt. No. 22.

Despite more than five weeks having passed since that conference, Defendant has, without explanation, still not complied with the Court's Order. The undersigned has contacted Defense counsel on at least three different occasion to ascertain when our office could expect the supplemental production/responses, however no clear answer from Defendant has been forthcoming. Finally, on April 24, 2023, the undersigned met and conferred with Defendant's counsel about this matter and Defendant's counsel assured us that by yesterday, April 26, 2023, he would have a firm date by which we could expect full compliance with the Court's Order.

Needless to say, Defendant's counsel did not get back to us yesterday and, after we once again contacted him today, he informed us that he would not have a firm date for production until at least next week (at the earliest).

In light of the foregoing, Plaintiff respectfully requests that the Court Order Defendant to fully comply with its Order no later than Wednesday May 3, 2023 or to face discovery sanctions. *See* Fed. R. Civ. P. 37(b)(2)

We thank the Court for its attention to this matter.

Respectfully submitted,

JOSEPH & KIRSCHENBAUM LLP

s/ Josef Nussbaum


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cc: All Counsel of Record (via ECF)

Plaintiff's instant letter motion, Dkt. No. 25, does not comply with this Court's Individual Rule 2(E)(ii) and is therefore denied without prejudice. The parties should submit a single, joint letter consistent with the procedures set out in that rule.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 25.

SO ORDERED.
Dated: April 28, 2023
New York, New York



GREGORY H. WOODS
United States District Judge